

MEMORANDUM

Date: January 25, 2005

To: Members of the LPA/Planning and Zoning Commission

From: Tina Deater, Senior Planner

Re: New Orleans Townhomes Rezone and Small Scale land Use Amendment

Since the agenda memo for this item was written, staff has received a revised plan from the applicant. This plan is currently undergoing staff review and additional information will be provided to the Board when it is available.

**SEMINOLE COUNTY GOVERNMENT
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION
AGENDA MEMORANDUM**

SUBJECT: New Orleans Townhomes: Small Scale Land Use Amendment from SE (Suburban Estates) to MDR (Medium Density Residential) and Rezone from A-1 (Agriculture District) to PUD (Planned Unit Development District) (Max Sabetti, applicant)

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Matthew West **CONTACT:** Tina Deater **EXT** 7440

Agenda Date <u>02/02/04</u>	Regular <input type="checkbox"/>	Work Session <input type="checkbox"/>	Briefing <input type="checkbox"/>
Special Hearing – 6:00 <input type="checkbox"/>		Public Hearing – 7:00 <input checked="" type="checkbox"/>	

MOTION/RECOMMENDATION:

1. Recommend APPROVAL of the request for a Small Scale Land Use Amendment from SE (Suburban Estates) to MDR (Medium Density Residential) and Rezone from A-1 (Agriculture District) to PUD (Planned Unit Development District) on approximately 9.43 acres, located on the northwest corner of Orange Boulevard and Missouri Avenue, and approve the attached Preliminary Master Plan subject to the attached development order (Max Sabetti, applicant); or
2. Recommend DENIAL of the request for a Small Scale Land Use Amendment from SE (Suburban Estates) to MDR (Medium Density Residential) and Rezone from A-1 (Agriculture District) to PUD (Planned Unit Development District) on approximately 9.43 acres, located on the northwest corner of Orange Boulevard and Missouri Avenue, and deny the attached Preliminary Master Plan (Max Sabetti, applicant); or
3. CONTINUE the public hearing until a time and date certain.

District 5 – Commissioner Carey

Tina Deater, Senior Planner

BACKGROUND:

The applicant, Max Sabetti, proposes a 52 unit residential development on an approximately 9.43-acre site located on the northwest corner of Orange Boulevard and Missouri Avenue. The request is for a townhome development at a density of 9.96 units per net buildable acre. The proposal includes a rezone from A-1 to PUD and a Small Scale Land

Reviewed by: <u>KR</u>	
Co Atty:	_____
DFS:	_____
OTHER:	_____
DCM:	_____
CM:	_____
File No.	<u>Z2004-062,</u> <u>11-04SS.01</u>

Use Amendment from Suburban Estates to Medium Density Residential.

STAFF RECOMMENDATION:

Staff recommends DENIAL of the requested Small Scale Land Use Amendment, rezone, and the attached Preliminary Master Plan, until such time that a Preliminary Master Plan is submitted that meets the conditions contained in the attached development order, and until such time that the Development Review Committee has the opportunity to review and comment on the revised plan.

INSERT:

**SITE PLAN
DEVELOPMENT ORDER
ORDINANCES
COLOR MAPS
AERIAL MAP**

New Orleans Townhomes Small Scale Land Use Amendment and Rezone Staff Report

Suburban Estates to Medium Density Residential		Amendment (Z2004-062, 11-04SS.01)
REQUEST		
APPLICANT	Max Sabetti	
PLAN AMENDMENT	Suburban Estates to Medium Density Residential	
REZONING	A-1 (Agriculture District) to PUD (Planned Unit Development)	
APPROXIMATE GROSS ACRES	9.43	
LOCATION	The northwest corner of Orange Boulevard and Missouri Avenue	
BCC DISTRICT	District 5 – Commissioner Carey	
RECOMMENDATIONS AND ACTIONS		
STAFF RECOMMENDATION	Staff recommends DENIAL of the requested Small Scale Land Use Amendment, rezone, and Preliminary Master Plan.	

STAFF ANALYSIS

1. **Property Owner:** Orville Anderson
2. **Tax Parcel Number:** 16-19-30-5AB-0500-0010
16-19-30-5AB-0500-0080

SITE DESCRIPTION

1. **EXISTING AND PERMITTED USES:** The current future land use designation of the subject property is Suburban Estates, which permits single-family homes at a density of 1 unit per acre.

Location	Future Land Use*	Zoning*	Existing Use
Site	Suburban Estates	A-1 (Agriculture District)	Single-family Residential
North	Suburban Estates	A-1 (Agriculture District)	Single-family Residential
South	Low Density Residential	A-1 (Agriculture District)	Single-family Residential
East	Planned Development	PCD (Planned Commercial Development)	Future Fossitt Office/Warehouses
West	Suburban Estates	A-1 (Agriculture District)	Single-family Residential

❖ See enclosed future land use and zoning maps for more details.

COMPREHENSIVE PLAN CONSISTENCY

2. **PLAN PROGRAMS** - Plan policies address the continuance, expansion and initiation of new government service and facility programs, including, but not limited to, capital facility construction. Each application for a land use designation amendment will include a description and evaluation of any Plan programs (such as the effect on the timing/financing of these programs) that will be affected by the amendment if approved.

Summary of Program Impacts: The proposed amendment does not alter the options or long-range strategies for facility improvements or capacity additions included in the Support Documentation to the Vision 2020 Plan. The amendment request would not be in conflict with the Metroplan Orlando Plan or the Florida Department of Transportation's 5-Year Plan (Transportation Policy 14.1).

- A. **Traffic Circulation - Consistency with Future Land Use Element:** *In terms of all development proposals, the County shall impose a linkage between the Future Land Use*

Element and the Transportation Element and all land development activities shall be consistent with the adopted Future Land Use Element (Transportation Policy 2.1).

The subject property will have access off of Orange Boulevard, which is classified as a Collector and has an adopted level of service (LOS) of "E". Orange Boulevard is currently operating at a LOS of "C" in that area.

B. Water and Sewer Service – Adopted Potable Water and Sanitary Sewer Service Area Maps:

The subject property is located within the Seminole County water and sewer service areas. Both water and sewer services are available to the site. Under the current future land use of Suburban Estates, the estimated potable water demand for the subject property is 2,450 GPD. The proposed land use amendment to Medium Density Residential would result in an estimated potable water demand of 17,420 GPD. Since this increase was not factored into the permitted capacity for the water system serving the site, the applicant is currently working with Seminole County Environmental Services to create a mitigation plan to offset the proposed increase in potable water usage. If the board chooses to recommend approval at this time, staff recommends that, as a condition of approval, the mitigation plan be presented to the Board of Commissions for approval at the adoption hearing and that it be incorporated into the development order.

C. Public Safety – Adopted Level of Service: *The County shall maintain adopted levels of service for fire protection and rescue...as an average response time of five minutes (Public Safety Policy 2.1).*

The property is served by Seminole County EMS/Fire Station #35. Response time is less than 5 minutes, which meets the County's average response time standard of 5 minutes.

3. REGULATIONS - The policies of the Plan also contain general regulatory guidelines and requirements for managing growth and protecting the environment. These guidelines will be used to evaluate the overall consistency of the land use amendment with the Vision 2020 Plan, but are not applied in detail at this stage.

A. Preliminary Development Orders: Capacity Determination: *For preliminary development orders and for final development orders under which no development activity impacting public facilities may ensue, the capacity of Category I and Category III public facilities shall be determined as follows...No rights to obtain final development orders under which development activity impacting public facilities may ensue, or to obtain development permits, nor any other rights to develop the subject property shall be deemed to have been granted or implied by the County's approval of the development order without a determination having previously been made that the capacity of public facilities will be available in accordance with law (Implementation Policy 1.2.3).*

A review of the availability of public facilities to serve this property indicates that there would be adequate facilities to serve this area, or that such facilities could be made available, and that the proposed Plan amendment would create no adverse impacts to public facilities.

B. Flood Plain and Wetlands Areas - Flood Plain Protection and Wetlands Protection: *The County shall implement the Conservation land use designation through the regulation of development consistent with the Flood Prone (FP-1) and Wetlands (W-1) Overlay Zoning classifications...(Policy FLU 1.2 and 1.3).*

The site contains approximately 2.02 acres of wetlands. A wetlands mitigation plan shall be required prior to final engineering approval for any proposed wetland impacts on the subject property.

C. Protection of Endangered and Threatened Wildlife: *The County shall continue to require, as part of the Development Review Process, proposed development to coordinate those processes with all appropriate agencies and comply with the US Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission Rules as well as other applicable Federal and State Laws regarding protection of endangered and threatened wildlife prior to development approval (Conservation Policy 3.13).*

A threatened and endangered species report shall be required prior to final engineering approval for any proposed development on the subject property.

4. DEVELOPMENT POLICIES - Additional criteria and standards are also included in the Plan that describe when, where and how development is to occur. Plan development policies will be used to evaluate the appropriateness of the use, intensity, location, and timing of the proposed amendment.

A. Compatibility: When the County's Future Land Use Map (FLUM) was developed in 1987, land use compatibility issues were evaluated and ultimately defined through a community meeting/hearing process that involved substantial public comment and input. When amendments are proposed to the FLUM, however, staff makes an initial evaluation of compatibility, prior to public input and comment, based upon a set of professional standards that include, but are not limited to criteria such as: (a) long standing community development patterns; (b) previous policy direction from the Board of County Commissioners; (c) other planning principles articulated in the Vision 2020 Plan (e.g., appropriate transitioning of land uses, protection of neighborhoods, protection of the environment, protection of private property rights, no creation of new strip commercial developments through plan amendments, etc.).

Based upon an initial evaluation, the proposed Medium Density Residential land use, with the attendant PUD zoning, would be compatible with the PD (Planned Development), LDR (Low Density Residential) and SE (Suburban Estates) land use designations on surrounding properties, if the Preliminary Master Plan complies with

the attached development order. The Orange Boulevard Special Study, which was recently updated by the Planning Division, recommends that the corner of Missouri Avenue and Orange Boulevard should be the demarcation between residential and non-residential uses along Orange Boulevard. This proposed future land use amendment and rezone is consistent with this recommendation. To the east are the recently approved Fossitt Business Park office/warehouses and to the west is property with Suburban Estates Future Land Use. The Vision 2020 Comprehensive Plan states that Medium Density Residential can serve as an appropriate transitional land use between more intense urban development and Low Density Residential/Suburban Estates uses. In this situation, the proposed townhomes will be clustered adjacent to Orange Boulevard and Missouri Avenue, across the street from the future office/warehouses, and the large wetlands area on the west side of the property will be maintained as conservation and open space that will buffer the townhomes from the adjacent Suburban Estates properties. Staff believes that the proposed townhomes are an appropriate transitional use between the future office/warehouses to the east and the properties designated as Suburban Estates to the north and west, if subject to the conditions contained in the attached development order.

The applicants submitted the attached Preliminary Master Plan, however staff does not agree with the proposed 15' building setback and 15' buffer adjacent to Orange Boulevard, or the 17' building setback and 10' buffer adjacent to Missouri Avenue. Staff's recommendation is that the minimum building setback along Orange Boulevard and Missouri Avenue should be increased to 25', with a minimum 20' landscaped buffer. The buffer could be reduced to 10' along Missouri Avenue where the cul-de-sac, and not townhouse units, are adjacent to Missouri. The applicant has stated that they are in the process of revising the Preliminary Master Plan to meet staff's recommended buffers and setbacks, however at the time of the writing of this report, staff has not received the revised plan. Therefore, staff is recommending denial of the proposed rezone, small scale land use amendment and Preliminary Master Plan, until such time that a Preliminary Master Plan is submitted that meets the conditions contained in the attached development order, and until such time that the Development Review Committee has the opportunity to review and comment on the revised plan.

Other applicable plan policies include, but are not limited to:

FLU 2.1 Subdivision Standards.

FLU 2.11 Determination of Compatibility in the PUD Zoning Classification

FLU 5.5: Water and Sewer Service Expansion

LDR Future Land Use Definition

B. Concurrency Review - Application to New Development: *For purposes of approving new development subsequent to adoption of this Comprehensive Plan, all adopted public facilities level of service standards and schedules of capital improvements...shall be applied*

and evaluated...consistent with policies of the Implementation Element... (Capital Improvements Policy 3.2).

This policy provides for the adoption of level of service (LOS) standards for public facilities and requires that final development orders be issued only if public facilities meeting the adopted LOS are available or will be available concurrent with the development. Additionally, preliminary development orders shall only be issued with the condition that no rights to obtain final development orders or development permits, nor any other rights to develop the subject property are granted or implied by the County's approval of the preliminary development order. The applicant has elected to defer concurrency review and the site will have to demonstrate concurrency compliance at the time of final engineering.

5. SCHOOL IMPACTS – The proposed project would generate an estimated six elementary school students, three middle school students, and three high school students. At this time staff has not received any comments regarding this project from the School Board, however when they are received, they will be forwarded to the Board.

Intergovernmental Notice

In 1997, Seminole County entered into an Intergovernmental Planning Coordination Agreement with the School Board and the Cities of Altamonte Springs, Casselberry, Lake Mary, Oviedo, Sanford and Winter Springs. The notice required under this agreement was sent on January 19, 2005.

STAFF RECOMMENDATION:

Staff recommends DENIAL of the requested Small Scale Land Use Amendment, rezone, and the attached Preliminary Master Plan, until such time that a Preliminary Master Plan is submitted that meets the following conditions, which are also contained in the attached development order, and until such time that the Development Review Committee has the opportunity to review and comment on the revised plan.

- a. A potable water mitigation plan, approved by Seminole County Environmental Services, shall be presented to the Board of County Commissioners for their approval at the time of the adoption hearing and incorporated into the development order.
- b. The residential townhome project shall be developed with a maximum of 52 townhome units at a maximum density of 10 units per net buildable acre.
- c. The buffers adjacent to Orange Boulevard and Missouri Avenue shall be 20 feet in width, with a 6-foot masonry wall and landscaping in compliance with the Seminole County Land Development Code, except that the landscape buffer may be reduced to 10 feet where the cul-de-sac is adjacent to Missouri Avenue

- d. The following minimum building setbacks and landscape buffers shall apply from the exterior boundaries of the development:
 - 1. East (adjacent to Missouri Avenue): 25 foot building setback and 20 foot landscape buffer where townhomes are adjacent to Missouri Avenue. The landscape buffer may be reduced to 10 feet where the cul-de-sac is adjacent to Missouri Avenue.
 - 2. South (adjacent to Orange Boulevard): 25 foot building setback and 20 foot landscape buffer.
 - 3. North: 25 foot building setback.
 - 4. West: 50 foot building setback, except that the poolhouse and recreational amenities shall have a minimum 20' building setback. A 6'foot masonry wall shall be required along the west property line from Orange Boulevard to the north side of Recreation Tract D.
- e. The following minimum building setbacks shall apply to the individual townhouse buildings:
 - 1. Front (Tracts A1, A2 and A3): 8 foot
 - 2. Rear (Tracts A1 and A3): 0 foot
 - 3. Rear (Tract A2): 0 foot
 - 4. Between buildings: 10 foot
- f. The following building height limits shall apply:
Maximum height: 35 feet
- g. The permitted residential uses shall be townhomes, condominiums, home occupations, and home offices.
- h. All landscape buffers and common areas shall be maintained by a homeowners association.
- i. The developer shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to existing sidewalks outside the development.
- j. The developer shall construct a 5-foot wide sidewalk along the north side of Orange Boulevard.
- k. Architectural renderings of the buildings shall be provided with the Final Master Plan.

SEMINOLE COUNTY DEVELOPMENT ORDER

On March 8, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: Orville Anderson
P.O. Box 470081
Lake Monroe, Florida 32747

Project Name: New Orleans Townhomes, PUD

Requested Development Approval: Rezoning from A-1 (Agriculture District) to PUD
(Planned Unit Development)

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Tina Deater, Senior Planner
1101 East First Street
Sanford, Florida 32771

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is GRANTED.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

- a. A potable water mitigation plan, approved by Seminole County Environmental Services, shall be presented to the Board of County Commissioners for their approval at the time of the adoption hearing and incorporated into this development order.
- b. The residential townhome project shall be developed with a maximum of 52 townhome units at a maximum density of 10 units per net buildable acre.
- c. The buffers adjacent to Orange Boulevard and Missouri Avenue shall be 20 feet in width, with a 6-foot masonry wall and landscaping in compliance with the Seminole County Land Development Code, except that the landscape buffer may be reduced to 10 feet where the cul-de-sac is adjacent to Missouri Avenue
- d. The following minimum building setbacks and landscape buffers shall apply from the exterior boundaries of the development:
 1. East (adjacent to Missouri Avenue): 25 foot building setback and 20 foot landscape buffer where townhomes are adjacent to Missouri Avenue. The landscape buffer may be reduced to 10 feet where the cul-de-sac is adjacent to Missouri Avenue.
 2. South (adjacent to Orange Boulevard): 25 foot building setback and 20 foot landscape buffer.
 3. North: 25 foot building setback.
 4. West: 50 foot building setback, except that the poolhouse and recreational amenities shall have a minimum 20' building setback. A 6'foot masonry wall shall be required along the west property line from Orange Boulevard to the north side of Recreation Tract D.
- e. The following minimum building setbacks shall apply to the individual townhouse buildings:
 1. Front (Tracts A1, A2 and A3): 8 foot
 2. Rear (Tracts A1 and A3): 0 foot
 3. Rear (Tract A2): 0 foot
 4. Between buildings: 10 foot
- f. The following building height limits shall apply:

Maximum height: 35 feet

- g. The permitted residential uses shall be townhomes, condominiums, home occupations, and home offices.
- h. All landscape buffers and common areas shall be maintained by a homeowners association.
- i. The developer shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to existing sidewalks outside the development.
- j. The developer shall construct a 5-foot wide sidewalk along the north side of Orange Boulevard.
- k. Architectural renderings of the buildings shall be provided with the Final Master Plan.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Carlton Henley
Chairman, Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Orville Anderson, on behalf of himself and his heirs agents, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

Orville Anderson

Print Name

Witness

Print Name

STATE OF FLORIDA)

COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Orville Anderson, who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument and sworn an oath.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2005.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

Exhibit A
Legal Description

LOT 1 AND LOT 8 LESS THE NORTH 188.07 FT. OF SAID LOT 8, BLOCK 5, SANFORD FARMS, AS RECORDED IN PLAT BOOK 1, PAGES 127 AND 128, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY; ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE PUD (PLANNED UNIT DEVELOPMENT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled, "New Orleans Townhomes Small Scale Land Use Amendment and Rezone Staff Report"

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. REZONINGS. The zoning classification assigned to the following described property is changed from A-1 to PUD:

LOT 1 AND LOT 8 LESS THE NORTH 188.07 FT. OF SAID LOT 8, BLOCK 5, SANFORD FARMS, AS RECORDED IN PLAT BOOK 1, PAGES 127 AND 128, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

Section 3. CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

Section 4. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. EFFECTIVE DATE.

A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes. This Ordinance shall become effective upon filing this order by the Department and recording of Development Order # 04-20500007 in the official land records of Seminole County.

ENACTED this , 2005.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton Henley, Chairman

AN ORDINANCE AMENDING THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF A SMALL SCALE LAND USE AMENDMENT; CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTIES FROM SUBURBAN ESTATES TO MEDIUM DENSITY RESIDENTIAL; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE SEMINOLE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County enacted Ordinance Number 2001-21 which adopted the Vision 2020 Seminole County Comprehensive Plan ("the Plan"); and

WHEREAS, the Board of County Commissioners has followed the procedures set forth in Sections 163.3184 and 163.3187, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to a Small Scale Development Amendment; and

WHEREAS, the Board of County Commissioners has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

WHEREAS, the Seminole County Land Planning Agency held a Public Hearing, with all required public notice, on February 2, 2005, for the purpose of providing recommendations to the Board of County Commissioners with regard to the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners held a Public Hearing on March 8, 2005, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Land Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners hereby finds that the Plan, as amended by this Ordinance, is internally consistent, is consistent and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, the State Comprehensive Plan, and the Strategic Regional Policy Plan of the East Central Florida Regional Planning Council, based upon the staff report entitled "New Orleans Townhomes Small Scale Land Use Amendment and Rezone."

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. RECITALS/LEGISLATIVE FINDINGS:

- (a) The above recitals are true and correct in form and include legislative findings which are a material part of this Ordinance.
- (b) The Board of County Commissioners hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. AMENDMENT TO COUNTY COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION:

- (a) The Future Land Use Element's Future Land Use Map as set forth in Ordinance Number 2001-21, as previously amended, is hereby further amended by

amending the future land use designation assigned to the property which is depicted on the Future Land Use Map and further described below:

LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A"

<u>Amendment Number</u>	<u>Amendment</u>
11-04SS.01	Amendment from Suburban Estates to Medium Density Residential

Section 3. SEVERABILITY:

If any provision of this Ordinance or the application to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

Section 4. EXCLUSION FROM COUNTY CODE/CODIFICATION:

(a) It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the Code Codifier shall have liberal authority to codify this Ordinance as a separate document or as part of the Land Development Code of Seminole County in accordance with prior directions given to said Code Codifier.

(b) The Code Codifier is hereby granted broad and liberal authority to codify and edit the provisions of the Seminole County Comprehensive Plan, as amended.

Section 5. EFFECTIVE DATE:

- (a) A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66 and 163.3187, Florida Statutes.
- (b) This Ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the Plan amendment set forth herein shall be thirty-one (31) days after the date of enactment by the Board of County Commissioners or, if challenged within thirty (30) days of enactment, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land use dependent on an amendment may be issued or commence before an amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, the affected amendment may nevertheless be made effective by the Board of County Commissioners adopting a resolution affirming its effective status, a copy of which resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners.

ENACTED this 8th day of March, 2005.

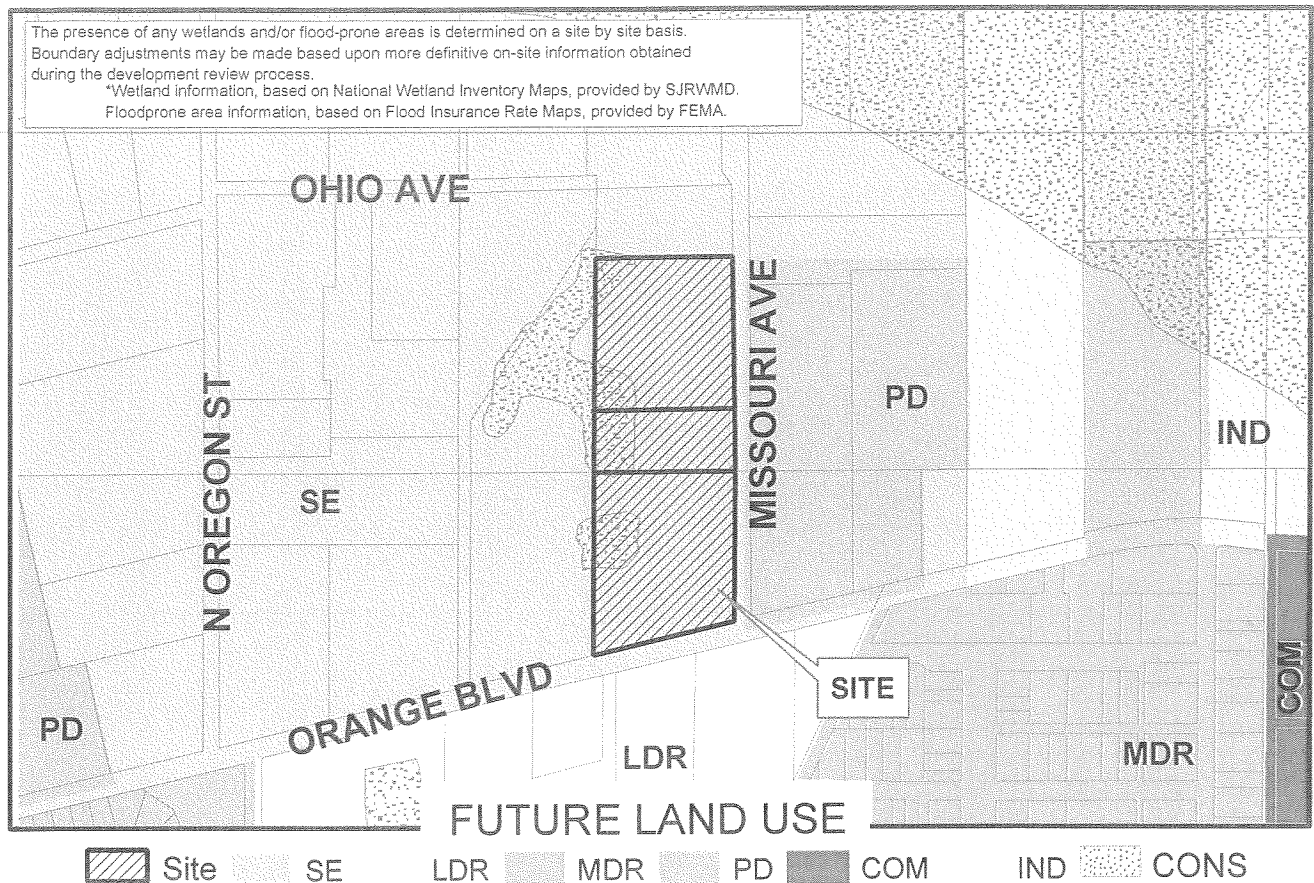
BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By: _____
Carlton Henley, Chairman

EXHIBIT A
LEGAL DESCRIPTION

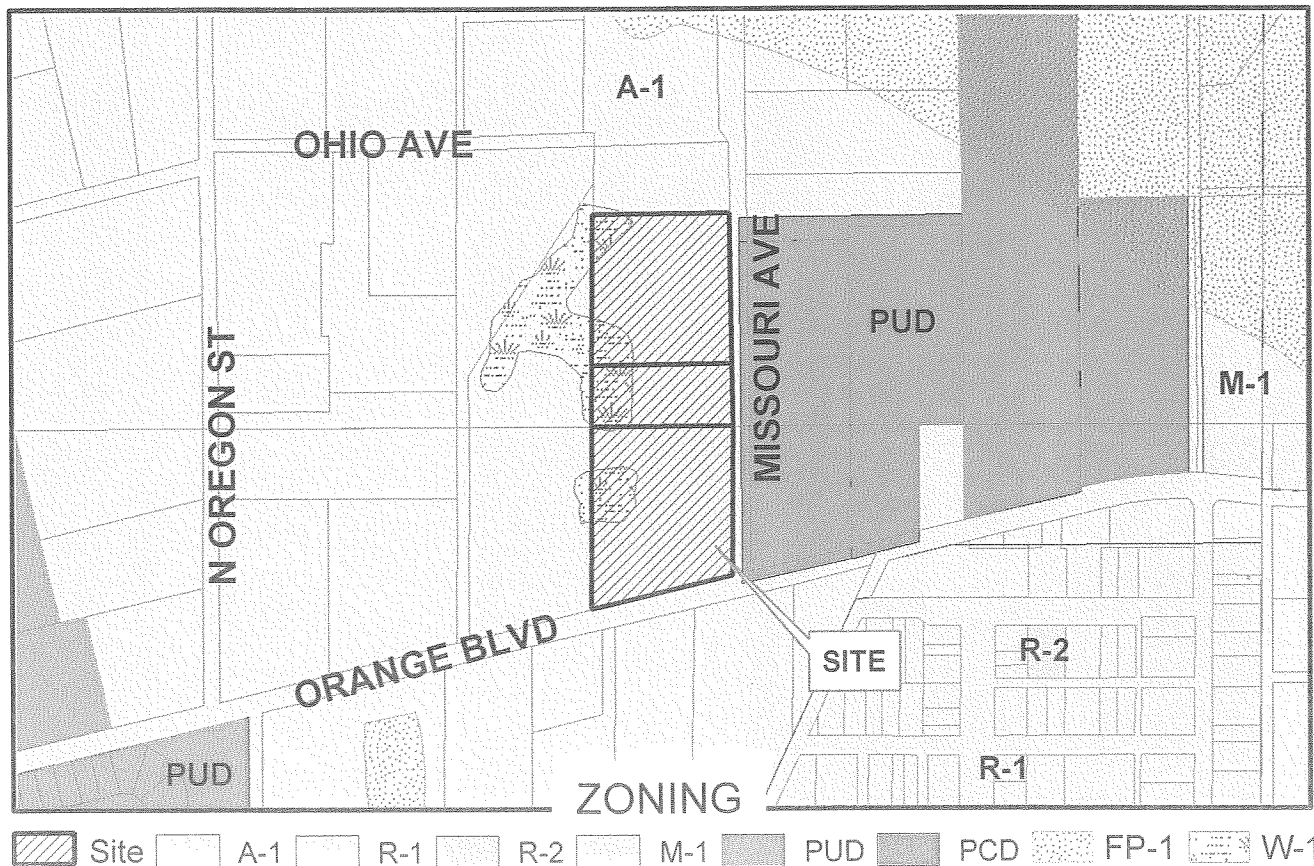
LOT 1 AND LOT 8 LESS THE NORTH 188.07 FT. OF SAID LOT 8, BLOCK 5,
SANFORD FARMS, AS RECORDED IN PLAT BOOK 1, PAGES 127 AND 128,
PUBLIC
RECORDS OF SEMINOLE COUNTY, FLORIDA.

The presence of any wetlands and/or flood-prone areas is determined on a site by site basis.
 Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.
 Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.



Applicant: Orville Anderson / Max Sabetti
 Physical STR: 16-19-30-5AB-0500-0010 & pt of 0080
 Gross Acres: 8.18 +/- BCC District: 5
 Existing Use: Vacant and Single Family
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	11-04SS.01	SE	MDR
Zoning	Z2004-062	A-1	PUD





Amendment No: 11-04SS.01
 From: SE To: MDR
 Rezone No: Z2004-062
 From: A-1 To: PUD

 Parcel
 Subject Property



February 1999 Color Aerials